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Travis County District Attorney Rosemary Lehmberg today issued the following statement:

This afternoon, Travis County grand jurors completed their review of the shooting death of Steven Edward Lunt by two agents of the Texas Alcoholic Beverage Commission (TABC).

Steven Lunt was 25 years old at the time of his death. The events that led to his death occurred in the early morning hours of Sunday, August 16, 2009.

After reviewing all the evidence, the grand jury has determined that no indictment will be issued against either agent.

This grand jury held over from its regular term to take up the case. They met on eight afternoons and heard from 15 witnesses.

Both TABC agents who fired their weapons that night, agents John Altum and Michael Cronin, testified before the grand jury, as did a third agent, Greg Lewis, who was in a separate vehicle and was at the scene of the death, but did not fire his weapon.

A friend who was with Steven Lunt just prior to his death, Kyle Phelan, also testified, as did Lunt's mother and a close friend.

The grand jury also questioned Joel Moreno, the Chief of Enforcement with the TABC and Alan Steen, the agency's director.

The investigation was conducted by members of the Austin Police Department's Special Investigation Unit and a sergeant with the Texas Rangers. The grand jury also heard from a ballistics expert and an expert in vehicular collisions and homicides from the Austin Police Department.

Because there will be no indictment in the case, I am at liberty to relate the facts that have been developed.

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### **Summary of the facts**

On Sunday, August 16, at 2:57 a.m. an Austin Police Department (APD) bicycle officer received a complaint from a citizen that the driver of a large white Ford truck had exited the parking garage at 6<sup>th</sup> and Brazos Street at a high rate of speed, had run up on the sidewalk and curb, nearly striking a citizen. The truck was observed speeding east on 7<sup>th</sup> Street.

This information was broadcast on APD radios.

Two marked APD vehicles followed the truck, attempting to stop it, but the truck continued weaving dangerously in and out of vehicle and pedestrian traffic.

Texas Alcoholic Beverage Commission agents Michael Cronin and John Altum were on duty in the downtown area in an unmarked TABC vehicle. Agent Greg Lewis was riding alone in an unmarked TABC vehicle with inoperable lights and sirens. TABC agents use Austin police radio frequencies for communication.

Upon hearing the dispatch, Agents Cronin, Altum and Lewis pulled into a parking lot on 7<sup>th</sup> Street and watched for the truck. Just before 3:00 a.m., the truck and the Austin police vehicles pursuing the truck went by. The two TABC units began to follow, Agents Altum and Cronin with lights and sirens but Agent Lewis without because they were inoperable. One of the agents indicated he believed he saw two men in the truck at that time.

The truck continued eastbound on 7<sup>th</sup> Street, running the red light at IH 35 and then turned right on San Marcos Street and left onto East 6<sup>th</sup> Street. The Austin police units began to lose sight of the truck on East 6<sup>th</sup> Street, so the decision was made to end the pursuit. APD dispatched a "BOLO", a message to other units to "be on the lookout" for the truck.

From his statements, we know that Kyle Phelan was in the truck with Steven Lunt during this entire pursuit but because he was so frightened, he jumped out of the passenger side of the truck when Lunt slowed down to turn south on Pleasant Valley.

Agents Cronin and Altum turned off their lights and sirens when the pursuit was terminated, but they continued for some distance down East 6<sup>th</sup> and then onto Cesar Chavez, looking for the white truck.

Shortly thereafter, the agents saw the white truck speed by the intersection of Cesar Chavez and Pleasant Valley. They could not see into the truck at this time, as the passenger window was rolled up.

Cronin and Altum followed the truck from a distance and sent a radio dispatch to APD with their location, requesting assistance. The white truck continued south on Pleasant Valley and eventually drove into the Longhorn Landing apartment complex on Wickersham. The truck sped up in the parking lot and pulled into a parking space at a dead end in the lot.

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Agents Cronin, Altum and Lewis parked their vehicles near the truck and the first two agents, Altum and Cronin, immediately got out of their vehicle. Agent Altum approached the truck from the passenger side with his handgun drawn. Agent Cronin approached the driver's side. He saw the driver's door open and a man, later identified as 25 year old Steven Edward Lunt, standing in the doorway with his back to the agent. Cronin indicates he yelled, "Stop, police." Lunt turned, looked at Agent Cronin and jumped into the driver's side of the truck. Cronin says he again shouted for him to stop and show his hands as Cronin drew his own service handgun.

Lunt locked the vehicle doors. Agent Cronin banged on the window that was darkly tinted. The truck began to rev loudly, then backed quickly out of the parking space at an angle that caused the front of the truck to swing directly toward Agent Cronin, almost striking him. Cronin ran backward from the truck to avoid being hit.

Agent Altum, who was close to the front of the passenger side of the truck, saw these events and began firing at the tires and passenger side in an attempt to stop the truck from hitting Agent Cronin. The truck struck one of the TABC vehicles. Then, continuing to rev at a high rate, the truck drove forward toward Agents Cronin and Altum. Altum continued to fire at the vehicle and for the first time, Agent Cronin also fired, while running from the approaching vehicle. The truck reversed again, striking the nearest TABC vehicle again and causing it to strike the second TABC vehicle that had been parked behind it by Agent Greg Lewis. The truck also struck two other cars parked in the lot. The truck again revved and moved forward a few feet until it became lodged between the wrecked vehicles.

Cronin and Altum approached and observed Steven Lunt lying on his side in the truck. He had received gunshot wounds to his head. He was the sole occupant of the truck. The agents entered the truck and turned off the ignition. Austin police and emergency medical personnel arrived shortly and transported Lunt to the hospital. He died on September 2<sup>nd</sup>, 2009.

Examination of the physical evidence from the scene revealed that Agent Altum fired 16 times. Agent Cronin fired three times. Agent Lewis did not fire his handgun. The deceased was struck three times in the head. All three bullets that struck Steven Lunt were fired from Agent Altum's handgun.

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## **Conclusion**

It is important to note that these TABC agents are certified peace officers who observed the felony evading by Steven Lunt, and legally these agents had a right to act as they did. Austin police and agents of the TABC often provide crucial backup assistance to each other, particularly in the downtown area.

Agent Cronin stated the he identified himself as police to Lunt, whose actions as the driver of the truck clearly posed a threat to their safety.

As in any investigation of this nature, questions surfaced regarding policy and operational procedures that should be addressed by TABC supervisors and those who are responsible for the leadership of this state agency.

For example, were these agents properly pursuing the primary mission of their agency, i.e., to enforce the Alcoholic Beverage Code and regulate licensed premises, when they determined to join the pursuit of Steven Lunt and then to continue to look for the white truck after the pursuit had been terminated?

Were these agents acting in accordance with TABC policy when they approached the Lunt truck in the apartment complex, rather than wait for Austin police units to arrive?

Were these agents, not in distinctly recognizable law enforcement uniforms, in unmarked police vehicles, one of which had no police lights or siren, properly equipped to approach this arrest?

These questions and whether the policies of the Texas Alcoholic Beverage Commission are adequate to guide agents in the future should be addressed by the leadership of that agency.

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